

**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
9279.87

In Re Application Of: Michael James Pratt et al.

Serial No.  
10/757,062

Filing Date  
January 14, 2004

Examiner  
Unknown

Group Art Unit  
Unknown

Title: **LOAD BEARING SHOULDER FRAME ASSEMBLY**



TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is: **Petition to Make Special**

**Legible Copies of All Cited References**  
**Check No. 66045 for \$130.00**  
**Postcard**

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of **\$130.00** is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **500843** as described below.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

*Signature*

Dated: **April 22, 2004**

**Michael F. Krieger**  
**Registration No. 35,232**  
**KIRTON & McCONKIE**  
**1800 Eagle Gate Tower**  
**60 East South Temple**  
**Salt Lake City, UT 84111**  
**Tel: (801) 328-3600**  
**Fax: (801) 321-4893**

I certify that this document and fee is being deposited  
on **April 22, 2004** with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450.

*Signature of Person Mailing Correspondence*

**Michael F. Krieger**

*Typed or Printed Name of Person Mailing Correspondence*

CC:



PATENT APPLICATION  
Docket No: 9279.87

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Michael James Pratt et al.	)	
		)	
Serial No.:	10/757,062	)	Art Unit
		)	Unknown
Confirmation No.:	Unknown	)	
		)	
Filed:	January 14, 2004	)	
		)	
For:	LOAD BEARING SHOULDER	)	
	FRAME ASSEMBLY	)	

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

Mail Stop Petition  
Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

Applicants respectfully request that examination of the above-referenced patent application be advanced out of turn and that prosecution be performed in an expedited manner. Applicants believe all claims are directed to a single invention and will make an election without traverse if the Office determines that all claims are not obviously directed to a single invention. Applicants submit this written Petition to Make Special in conformance with 37 C.F.R. § 1.102(d), along with the appropriate fee as set forth in 37 C.F.R. § 1.17(h).

Applicants have caused to be made a careful and thorough pre-examination search of the prior art. This search was performed by a professional search firm under the direction of Noreen

04/27/2004 HVUJDN61 00000074 10757062

01 FC:1460

130.00 0P

A. Fabean. The search was conducted for United States patented art in Class 224, Subclasses 201, 257, 600 and 638. Additional prior art searches performed by attorneys at Kirton and McConkie have also been performed. A copy of each potentially relevant reference discovered in both Noreen A. Fabean's search and Kirton and McConkie's search is provided for your review.

The following is a list of references that were discovered in the above-identified pre-examination search. Each of the references will be individually discussed in greater detail below:

6,152,343	2,760,699
5,088,728	2,718,988
5,009,349	2003/0121942
4,799,610	2002/0088836
4,280,645	2002/0008125
3,679,107	UK 2,334,669

A photocopy of Form PTO-1449 submitted on April 20, 2004, citing the above-identified references has been included for the convenience of the Examiner.

#### Nature of the Present Invention

The present invention is a load bearing apparatus for facilitating manual transport of a load, such as a golf bag, luggage, camping equipment, backpack, and the like. Specifically, certain embodiments of the present invention comprise a substantially rigid supporting structure for supporting the weight of a load and distributing such weight over the back and shoulders of a user. The supporting structure may be defined according to three structural elements, namely, a central rib, a stabilizing arm and an opposing arm. The central rib provides the primary support for the weight of a load attached thereto. Accordingly, the central rib is substantially planar such that the central rib may be supported and balanced along the upper back of a user.

A stabilizing arm may extend from one end of the central rib to stabilize the load anteriorly over a shoulder of a user. An opposing arm may extend from an opposite end of the

central rib anteriorly over a second shoulder of a user to counterbalance the stabilizing arm, such that the weight of the load is substantially evenly distributed over a user. The dimensional relationship between the stabilizing and opposing arms may promote a specific transport arrangement with respect to a position of the load relative to a user. In this manner, balance between the load and a user may be facilitated according to the weight and bulk of the load. For example, where the load is a traditionally designed elongate golf bag, the length of an opposing arm may extend beyond the length of a stabilizing arm such that the golf bag is supported on a diagonal relative to a user.

A load bearing apparatus in accordance with the present invention may also incorporate a cushioning support on an underside surface of the supporting structure so as to facilitate a user's comfort. A support strap assembly may also be implemented in accordance with the present invention to enable selective adjustment of the relationship between the load bearing apparatus and the load.

As the present invention provides a substantially rigid load bearing apparatus to provide independent support for a load transported by a user, the present invention avoids the stress and strain common to users that utilize traditionally designed load bearing devices to transport a load.

An object of some embodiments of the present invention is to provide a load bearing apparatus capable of providing independent structural support for the weight of a load transported thereby.

Another object of some embodiments of the present invention is to provide a load bearing apparatus capable of substantially evenly distributing the weight and bulk of a load over a user.

A further object of some embodiments of the present invention is to provide a load bearing apparatus capable of quick and easy implementation by a user.

## Detailed Discussion of the Prior Art References in Light of the Present Invention

### *United States Patent No. 6,152,343 to Shin*

United States Patent No. 6,152,343 issued on November 28, 2000 to Shin (hereinafter “Shin”) discloses a monolithic yolk type collar that provides four adjustable straps for two or four point attachment to a golf bag. The collar is adapted to enable transverse mounting of the golf bag on the back of the golfer. The collar has a broad surface with compliant material for comfort and is adapted to take the necessary shape to fit a given golfer.

The present invention is readily distinguishable from the teachings of Shin. Indeed, independent claim 1 of the present invention relates to a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user. As Shin neither discloses nor suggests a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user, Shin clearly does not anticipate nor render obvious independent claim 1 of the present application. Moreover, as claims 2-18 add further limitations to independent claim 1, Shin neither anticipates nor renders obvious claims 2-18.

The present invention is readily distinguishable from the teachings of Shin. Indeed, independent claim 19 of the present invention relates to a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said

user; and an opposing arm extending from said central rib. As Shin neither discloses nor suggests a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib, Shin clearly does not anticipate nor render obvious independent claim 19 of the present application. Moreover, as claims 20-31 add further limitations to independent claim 19, Shin neither anticipates nor renders obvious claims 20-31.

The present invention is readily distinguishable from the teachings of Shin. Indeed, independent claim 32 of the present invention relates to a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user. As Shin neither discloses nor suggests a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user, Shin clearly does not anticipate nor render obvious independent claim 32 of the present application. Moreover, as claims 33-34 add

further limitations to independent claim 32, Shin neither anticipates nor renders obvious claims 33-34.

*United States Patent No. 5,088,728 to Deden*

United States Patent No. 5,088,728 issued on February 18, 1992 to Deden (hereinafter "Deden") discloses a thoracic harness for particular use in facilitating the performance of squat related exercise by providing superior three dimensional thoracic engagement of resistance forces connectable at opposing points below the axillae or armpits. The thoracic harness functions to uniformly disperse resistance forces three dimensionally about respectively engaged thoracic surfaces to oppose thoracic movements occurring in the user's three dimensional space. The harness includes opposed flexible shoulder scyes joined by a back panel and a releasable frontal strap that are anatomically designed to collectively function to provide maximum three dimensional surface engagement and to enable maximum unrestricted movement of respective thoracic "active" regions. In addition, the harness provides a totally self-maintaining engagement nature that eliminates concern of potential injury and allows maximum exercise concentration. Furthermore, the thoracic harness configuration described can be comfortably used by either male or female by largely avoiding sensitive breast tissues.

The present invention is readily distinguishable from the teachings of Deden. Indeed, independent claim 1 of the present invention relates to a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user. As Deden neither discloses nor suggests a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect

to the user, Deden clearly does not anticipate nor render obvious independent claim 1 of the present application. Moreover, as claims 2-18 add further limitations to independent claim 1, Deden neither anticipates nor renders obvious claims 2-18.

The present invention is readily distinguishable from the teachings of Deden. Indeed, independent claim 19 of the present invention relates to a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib. As Deden neither discloses nor suggests a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib, Deden clearly does not anticipate nor render obvious independent claim 19 of the present application. Moreover, as claims 20-31 add further limitations to independent claim 19, Deden neither anticipates nor renders obvious claims 20-31.

The present invention is readily distinguishable from the teachings of Deden. Indeed, independent claim 32 of the present invention relates to a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said



substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user. As Deden neither discloses nor suggests a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user, Deden clearly does not anticipate nor render obvious independent claim 32 of the present application. Moreover, as claims 33-34 add further limitations to independent claim 32, Deden neither anticipates nor renders obvious claims 33-34.

*United States Patent No. 5,009,349 to Eide et al.*

United States Patent No. 5,009,349 issued on April 23, 1991 to Eide et al. (hereinafter "Eide") discloses a lifting and carrying device that is adapted for support on a user's body and permits the user to lift and carry articles of various size, shape and weight. An elongated and relatively soft shoulder and neck yoke carries a tie loop in the area of each end portion of the neck yoke and depends therefrom. A support extends between the tie loops, and by regulating the length of the tie loop and adjusting a support, the load from articles to be carried will be transferred to the shoulder and neck portions during lifting.

The present invention is readily distinguishable from the teachings of Eide. Indeed, independent claim 1 of the present invention relates to a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect

to the user. As Eide neither discloses nor suggests a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user, Eide clearly does not anticipate nor render obvious independent claim 1 of the present application. Moreover, as claims 2-18 add further limitations to independent claim 1, Eide neither anticipates nor renders obvious claims 2-18.

The present invention is readily distinguishable from the teachings of Eide. Indeed, independent claim 19 of the present invention relates to a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib. As Eide neither discloses nor suggests a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib, Eide clearly does not anticipate nor render obvious independent claim 19 of the present application. Moreover, as claims 20-31 add further limitations to independent claim 19, Eide neither anticipates nor renders obvious claims 20-31.

The present invention is readily distinguishable from the teachings of Eide. Indeed, independent claim 32 of the present invention relates to a method for distributing a weight of a

load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user. As Eide neither discloses nor suggests a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user, Eide clearly does not anticipate nor render obvious independent claim 32 of the present application. Moreover, as claims 33-34 add further limitations to independent claim 32, Eide neither anticipates nor renders obvious claims 33-34.

*United States Patent No. 4,799,610 to Hsieh*

United States Patent No. 4,799,610 issued on January 24, 1989 to Hsieh (hereinafter "Hsieh") discloses a carrying holder of a musical instrument comprising a "T" bar, a pair of shoulder bars, a belly plate and fastening means. The pair of shoulder bars is fastened to a lateral plate of the "T" bar by bolts. Note that the fastening portions of the lateral plate are formed by two longitudinally aligned seats installed on two sides of the lateral plate. Each of the grooves has an appropriate number of semi-circular holes set separately so that bolts can be bolted through the semi-circular holes. On the corresponding positions of the shoulder bars, a hole and an arc-like slot are installed which make the shoulder bar angularly adjustable about a bolt.

The present invention is readily distinguishable from the teachings of Hsieh. Indeed, independent claim 1 of the present invention relates to a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user. As Hsieh neither discloses nor suggests a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user, Hsieh clearly does not anticipate nor render obvious independent claim 1 of the present application. Moreover, as claims 2-18 add further limitations to independent claim 1, Hsieh neither anticipates nor renders obvious claims 2-18.

The present invention is readily distinguishable from the teachings of Hsieh. Indeed, independent claim 19 of the present invention relates to a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib. As Hsieh neither discloses nor suggests a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib, Hsieh clearly does not anticipate nor render obvious independent claim 19

of the present application. Moreover, as claims 20-31 add further limitations to independent claim 19, Hsieh neither anticipates nor renders obvious claims 20-31.

The present invention is readily distinguishable from the teachings of Hsieh. Indeed, independent claim 32 of the present invention relates to a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user. As Hsieh neither discloses nor suggests a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user, Hsieh clearly does not anticipate nor render obvious independent claim 32 of the present application. Moreover, as claims 33-34 add further limitations to independent claim 32, Hsieh neither anticipates nor renders obvious claims 33-34.

*United States Patent No. 4,280,645 to Goodden*

United States Patent No. 4,280,645 issued on July 28, 1981 to Goodden (hereinafter "Goodden") discloses a harness for lifting heavy and bulky objects is the subject of this invention. The device provides for better lifting ability through superior load distribution and also provides for greater protection for the hands and arms of the person doing the lifting. A yoke

type shoulder harness substantially spans the distance between the shoulders of the person wearing it while also circumscribing the neck area. Straps depend from the shoulder harness and are coupled with a rigid L-shaped support. The vertical leg of the L-shaped support substantially spans the distance between the hand and the elbow. The horizontal leg of the L-shaped support presents an enclosure having an opening for receiving at least a portion of the hand. A highly frictional covering on the upper surface of the horizontal leg holds objects in place. The strap means which couples the L-shaped supports with the shoulder harness includes buckle means for adjusting the effective length of the device.

The present invention is readily distinguishable from the teachings of Goodden. Indeed, independent claim 1 of the present invention relates to a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user. As Goodden neither discloses nor suggests a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user, Goodden clearly does not anticipate nor render obvious independent claim 1 of the present application. Moreover, as claims 2-18 add further limitations to independent claim 1, Goodden neither anticipates nor renders obvious claims 2-18.

The present invention is readily distinguishable from the teachings of Goodden. Indeed, independent claim 19 of the present invention relates to a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said

user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib. As Goodden neither discloses nor suggests a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib, Goodden clearly does not anticipate nor render obvious independent claim 19 of the present application. Moreover, as claims 20-31 add further limitations to independent claim 19, Goodden neither anticipates nor renders obvious claims 20-31.

The present invention is readily distinguishable from the teachings of Goodden. Indeed, independent claim 32 of the present invention relates to a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user. As Goodden neither discloses nor suggests a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user, Goodden clearly does not anticipate

nor render obvious independent claim 32 of the present application. Moreover, as claims 33-34 add further limitations to independent claim 32, Goodden neither anticipates nor renders obvious claims 33-34.

*United States Patent No. 3,679,107 to Perrine*

United States Patent No. 3,679,107 issued on July 25, 1972 to Perrine (hereinafter “Perrine”) discloses a weight lifting yoke for shoulder use wherein the weight is distributed over the shoulders of the wearer and off center of the end of the spinal column.

The present invention is readily distinguishable from the teachings of Perrine. Indeed, independent claim 1 of the present invention relates to a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user. As Perrine neither discloses nor suggests a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user, Perrine clearly does not anticipate nor render obvious independent claim 1 of the present application. Moreover, as claims 2-18 add further limitations to independent claim 1, Perrine neither anticipates nor renders obvious claims 2-18.

The present invention is readily distinguishable from the teachings of Perrine. Indeed, independent claim 19 of the present invention relates to a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said



user; and an opposing arm extending from said central rib. As Perrine neither discloses nor suggests a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib, Perrine clearly does not anticipate nor render obvious independent claim 19 of the present application. Moreover, as claims 20-31 add further limitations to independent claim 19, Perrine neither anticipates nor renders obvious claims 20-31.

The present invention is readily distinguishable from the teachings of Perrine. Indeed, independent claim 32 of the present invention relates to a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user. As Perrine neither discloses nor suggests a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user, Perrine clearly does not anticipate nor render obvious independent claim 32 of the present application. Moreover, as claims 33-34 add

further limitations to independent claim 32, Perrine neither anticipates nor renders obvious claims 33-34.

*United States Patent No. 2,760,699 to Rivers-Macpherson*

United States Patent No. 2,760,699 issued on August 28, 1956 to Rivers-Macpherson (hereinafter "Rivers-Macpherson") discloses a harness having a yoke, a waistbelt, means connecting the yoke and the waistbelt and a spring member within the yoke in such a position that it will fit across the back and over the shoulders of the wearer in such manner that the maximum distribution of the weight of the load to be carried is across the trapezius muscle, thus providing a carrying means which will cause the least amount of fatigue to anyone carrying a load.

The present invention is readily distinguishable from the teachings of Rivers-Macpherson. Indeed, independent claim 1 of the present invention relates to a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user. As Rivers-Macpherson neither discloses nor suggests a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user, Rivers-Macpherson clearly does not anticipate nor render obvious independent claim 1 of the present application. Moreover, as claims 2-18 add further limitations to independent claim 1, Rivers-Macpherson neither anticipates nor renders obvious claims 2-18.

The present invention is readily distinguishable from the teachings of Rivers-Macpherson. Indeed, independent claim 19 of the present invention relates to a system for

distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib. As Rivers-Macpherson neither discloses nor suggests a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib, Rivers-Macpherson clearly does not anticipate nor render obvious independent claim 19 of the present application. Moreover, as claims 20-31 add further limitations to independent claim 19, Rivers-Macpherson neither anticipates nor renders obvious claims 20-31.

The present invention is readily distinguishable from the teachings of Rivers-Macpherson. Indeed, independent claim 32 of the present invention relates to a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user. As Rivers-Macpherson neither discloses nor suggests a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a

substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user, Rivers-Macpherson clearly does not anticipate nor render obvious independent claim 32 of the present application. Moreover, as claims 33-34 add further limitations to independent claim 32, Rivers-Macpherson neither anticipates nor renders obvious claims 33-34.

*United States Patent No. 2,718,988 to Potts*

United States Patent No. 2,718,988 issued on September 27, 1955 to Potts (hereinafter "Potts") discloses a carrying means for packages and containers in which a looped-strap member may be hung upon the shoulder, arm, or hand, and, by means of a fastener member connected to the pendant portion of the looped-strap member, a package, to which the fastener member is attached, may be carried.

The present invention is readily distinguishable from the teachings of Potts. Indeed, independent claim 1 of the present invention relates to a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user. As Potts neither discloses nor suggests a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user, Potts clearly does not anticipate nor render obvious independent claim 1 of the present application. Moreover, as claims 2-18 add further limitations to independent claim 1, Potts neither anticipates nor renders obvious claims 2-18.

The present invention is readily distinguishable from the teachings of Potts. Indeed, independent claim 19 of the present invention relates to a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib. As Potts neither discloses nor suggests a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib, Potts clearly does not anticipate nor render obvious independent claim 19 of the present application. Moreover, as claims 20-31 add further limitations to independent claim 19, Potts neither anticipates nor renders obvious claims 20-31.

The present invention is readily distinguishable from the teachings of Potts. Indeed, independent claim 32 of the present invention relates to a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user. As Potts neither discloses nor suggests a method for distributing a weight of a load over a user to facilitate

manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user, Potts clearly does not anticipate nor render obvious independent claim 32 of the present application. Moreover, as claims 33-34 add further limitations to independent claim 32, Potts neither anticipates nor renders obvious claims 33-34.

*United States Patent Application Publication No. 2003/0121942 to Chang*

United States Patent Application Publication No. 2003/0121942 published on July 3, 2003 to Chang (hereinafter "Chang") discloses a dual strap carrying system including two non-symmetrical shoulder straps which are connectable to form a single strap carrying system. Each of the strap members preferably has shoulder engaging surfaces of the similar frictional shoulder characteristic so that a slippery shoulder engaging surface is provided on each of the strap members when the straps are configured as a dual strap carrying system and a non-slippery shoulder engaging surface is formed when the straps are configured as a single strap carrying system suitable for use for load such as bags or golf bags or the like.

The present invention is readily distinguishable from the teachings of Chang. Indeed, independent claim 1 of the present invention relates to a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user. As Chang neither discloses nor suggests a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the

load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user, Chang clearly does not anticipate nor render obvious independent claim 1 of the present application. Moreover, as claims 2-18 add further limitations to independent claim 1, Chang neither anticipates nor renders obvious claims 2-18.

The present invention is readily distinguishable from the teachings of Chang. Indeed, independent claim 19 of the present invention relates to a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib. As Chang neither discloses nor suggests a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib, Chang clearly does not anticipate nor render obvious independent claim 19 of the present application. Moreover, as claims 20-31 add further limitations to independent claim 19, Chang neither anticipates nor renders obvious claims 20-31.

The present invention is readily distinguishable from the teachings of Chang. Indeed, independent claim 32 of the present invention relates to a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and

back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user. As Chang neither discloses nor suggests a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user, Chang clearly does not anticipate nor render obvious independent claim 32 of the present application. Moreover, as claims 33-34 add further limitations to independent claim 32, Chang neither anticipates nor renders obvious claims 33-34.

*United States Patent Application Publication No. 2002/0088836 to Batten et al.*

United States Patent Application Publication No. 2002/0088836 published on July 11, 2002 to Batten et al. (hereinafter "Batten") discloses a strap connector for connecting the shoulder straps of a dual-strap carrying system which is particularly useful for carrying golf bags or other elongate bags including pivotally connected lateral members each of which is connected as an intermediate member of a shoulder strap. The pivotal connection between the lateral members adjusts the weight distribution on the shoulders of a person carrying the bag and provides improved comfortability. Also disclosed are a strap carrying system and a golf bag including the strap connector.

The present invention is readily distinguishable from the teachings of Batten. Indeed, independent claim 1 of the present invention relates to a load bearing apparatus for facilitating



manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user. As Batten neither discloses nor suggests a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user, Batten clearly does not anticipate nor render obvious independent claim 1 of the present application. Moreover, as claims 2-18 add further limitations to independent claim 1, Batten neither anticipates nor renders obvious claims 2-18.

The present invention is readily distinguishable from the teachings of Batten. Indeed, independent claim 19 of the present invention relates to a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib. As Batten neither discloses nor suggests a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib, Batten clearly does not anticipate nor render obvious independent claim 19 of the present application. Moreover, as claims 20-31 add further limitations to independent claim 19, Batten neither anticipates nor renders obvious claims 20-31.

The present invention is readily distinguishable from the teachings of Batten. Indeed, independent claim 32 of the present invention relates to a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user. As Batten neither discloses nor suggests a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user, Batten clearly does not anticipate nor render obvious independent claim 32 of the present application. Moreover, as claims 33-34 add further limitations to independent claim 32, Batten neither anticipates nor renders obvious claims 33-34.

*United States Patent Application Publication No. 2002/0008125 to Caputi*

United States Patent Application Publication No. 2002/0008125 published on January 25, 2002 to Caputi (hereinafter "Caputi") discloses a multipurpose carrying system, comprising a matchable shoulder strap and one or more of the following components: non shoulder-touching carrying belts or cables; related connecting and carrying connectors; a hooking and hookable handle; a wrapping belt; a strap-wrapper, a foldable and removable padded body and; and ballast container described in various embodiments. From the various combinations made possible by

all or some of the above-mentioned components are obtained different embodiments of a modular shoulder carrying assembly for one or two-shoulder hands-free carrying or pulling of objects persons, animals, or apparatuses. The shoulder carrying assembly is able to change its features, as a user can detach carrying belts or cables from the matchable shoulder strap and substitute them with different belts or cables. Some of the parts can be detached from the carrying assembly and used alone for hanging, keeping in place, and/or handling of carried objects.

The present invention is readily distinguishable from the teachings of Caputi. Indeed, independent claim 1 of the present invention relates to a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user. As Caputi neither discloses nor suggests a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user and a stabilizing arm coupled to the central rib to stabilize the load with respect to the user, Caputi clearly does not anticipate nor render obvious independent claim 1 of the present application. Moreover, as claims 2-18 add further limitations to independent claim 1, Caputi neither anticipates nor renders obvious claims 2-18.

The present invention is readily distinguishable from the teachings of Caputi. Indeed, independent claim 19 of the present invention relates to a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said

user; and an opposing arm extending from said central rib. As Caputi neither discloses nor suggests a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; and an opposing arm extending from said central rib, Caputi clearly does not anticipate nor render obvious independent claim 19 of the present application. Moreover, as claims 20-31 add further limitations to independent claim 19, Caputi neither anticipates nor renders obvious claims 20-31.

The present invention is readily distinguishable from the teachings of Caputi. Indeed, independent claim 32 of the present invention relates to a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user. As Caputi neither discloses nor suggests a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load; positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user, Caputi clearly does not anticipate nor render obvious independent claim 32 of the present application. Moreover, as claims 33-34 add

further limitations to independent claim 32, Caputi neither anticipates nor renders obvious claims 33-34.

*United Kingdom Patent No. 2,334,669 to Fields*

United Kingdom Patent No. 2,334,669 issued on October 18, 2000 to Fields (hereinafter “Fields”) discloses an apparatus for carrying a bag on a shoulder that comprises a substantially rigid member and a means for attaching the member to the bag, wherein said member comprises not less than five bends and is configured to fit on a shoulder of a person.

The present invention is readily distinguishable from the teachings of Fields. Indeed, independent claim 1 and dependent claims 2-18 of the present invention relate to a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user, stabilizing and opposing arms that are coupled to the central rib to stabilize the load with respect to the user and a support strap assembly that includes at least one dorsal strap attached to the central rib and at least one anterior strap attached to at least one of the stabilizing arm and the opposing arm. As Fields neither discloses nor suggests a load bearing apparatus for facilitating manual transport of a load that comprises a central rib to distribute a weight corresponding to the load over a user, stabilizing and opposing arms that are coupled to the central rib to stabilize the load with respect to the user and a support strap assembly that includes at least one dorsal strap attached to the central rib and at least one anterior strap attached to at least one of the stabilizing arm and the opposing arm, Fields clearly does not anticipate nor render obvious independent claim 1 and dependent claims 2-18 of the present application.

The present invention is readily distinguishable from the teachings of Fields. Indeed, independent claim 19 and dependent claims 20-31 of the present invention relate to a system for

distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; an opposing arm extending from said central rib and a support strap assembly that includes at least one dorsal strap attached to the central rib and at least one anterior strap attached to at least one of the stabilizing arm and the opposing arm. As Fields neither discloses nor suggests a system for distributing a load over a back of a user to facilitate manual transport of said load, said system comprising: a load capable of being supported by said user; and a unitary shoulder frame assembly coupled to said load, said shoulder frame assembly comprising: a central rib for distributing a weight of said load over said user; a stabilizing arm extending from said central rib to stabilize said load with respect to said user; an opposing arm extending from said central rib and a support strap assembly that includes at least one dorsal strap attached to the central rib and at least one anterior strap attached to at least one of the stabilizing arm and the opposing arm, Fields clearly does not anticipate nor render obvious independent claim 19 and dependent claims 20-31 of the present application.

The present invention is readily distinguishable from the teachings of Fields. Indeed, independent claim 32 and dependent claims 33-34 of the present invention relate to a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load by coupling a support strap assembly to each of the substantially rigid shoulder frame assembly and the load; and positioning said substantially rigid shoulder frame assembly over

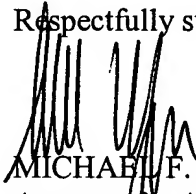
said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user. As Fields neither discloses nor suggests a method for distributing a weight of a load over a user to facilitate manual transport of said load, said method comprising: providing a substantially rigid shoulder frame assembly to substantially conform to said user's shoulders and back; attaching said substantially rigid shoulder frame assembly to said load by coupling a support strap assembly to each of the substantially rigid shoulder frame assembly and the load; and positioning said substantially rigid shoulder frame assembly over said shoulders and said back of said user such that said weight of said load is substantially evenly distributed over said user, Fields clearly does not anticipate nor render obvious independent claim 32 and dependent claims 33-34 of the present application.

### Summary and Conclusion

In light of the foregoing, Applicants respectfully submit that the claims of the present invention contain limitations that are neither disclosed nor rendered obvious by the relevant references discovered in the pre-examination search. The unique combination of features or elements presented in the present invention are not found in any of the prior art references. Applicants therefore respectfully submit that the present invention is patentable over the prior art references.

DATED this 22 day of April 2004.

Respectfully submitted,



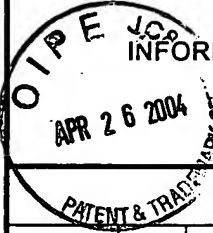
MICHAEL F. KRIEGER  
Attorney for Applicant  
Registration No. 35,232

KIRTON & McCONKIE  
1800 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 328-3600  
Facsimile: (801) 321-4893

MFK:BO

#747544 v1 - Petition to Make Special (2)



 <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)				ATTY DOCKET NO. 9279.87		SERIAL NO. 10/757,062	
				Michael James Pratt et al.			
				FILING January 14, 2004		GROUP Unknown	
<b>U.S. PATENT DOCUMENTS</b>							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	6,152,343	11/28/00	Shin	224	645	10/15/98
	2	5,088,728	02/18/92	Deden	272	143	04/17/90
	3	5,009,349	04/23/91	Eide et al.	224	260	07/06/89
	4	4,799,610	01/24/89	Hsieh	224	266	03/14/88
	5	4,280,645	07/28/81	Goodden	224	259	01/31/80
	6	3,679,107	07/25/72	Perrine	224	5 P	12/28/70
	7	2,760,699	08/28/56	Rivers-Macpherson	224	5	05/03/54
	8	2,718,988	09/27/55	Potts	224	5	02/06/51
	9	2003/0121942	07/03/03	Chang	224	260	12/28/01
	10	2002/0088836	07/11/02	Batten et al.	224	645	01/10/01
	11	2002/0008125	01/24/02	Caputi	224	257	02/28/01
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
		None					
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
			None				
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.